IN THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1.(Currently Amended)   Device for recording information on a record carrier of a writable type by writing marks in a track on a recording layer via a beam of radiation,

[[-]]   the recording layer comprising a pre-track pattern ~~(14)~~ indicating the position of the track,

the device ~~comprising~~ comprising:

[[-]]   a head ~~(22)~~ for providing the beam,

[[-]]   recording means ~~(20,28,29)~~ for recording the information in the track according to a predefined recording format for constituting a recording area containing user data preceded by a lead-in zone located at the start of the recording layer and followed by a lead-out zone located at the end of the user data,

and

[[-]]   lead-out means (36) for finalizing the record carrier

for playback on a reading device that cannot detect the pre-track

pattern, the finalizing comprising determining if data written in

the recording area extends up to a predefined physical position,

and, if not, recording lead-out information, and, if the data

extends at least up to the predefined position, not recording any

lead-out information.

2.(Currently Amended)   Device The device as claimed in claim

1, wherein the lead-out means (36) are arranged for said

determining using as the predefined physical position a prescribed

radial position prescribed in said predefined recording format, in

particular the recording format being DVD and the prescribed

physical position being 35,0 mm 35.0 mm.

3.(Currently Amended)   Device The device as claimed in claim

1, wherein the lead-out means (36) are arranged for said

determining using as the predefined physical position a minimal

radial position substantially less than a prescribed radial

position prescribed in said predefined recording format, in

particular the recording format being DVD and the minimal position

being ~~29,0 mm~~ 29.0 mm.

4. (Currently Amended) ~~Device~~ The device as claimed in claim

1, wherein the lead-out means ~~(36)~~ are arranged for said recording

lead-out information starting at the end of the user data and

ending at the predefined physical position.

5. (Currently Amended) ~~Device~~ The device as claimed in claim

1, wherein the lead-out means ~~(36)~~ are arranged for recording dummy

information as said recording lead-out information, the dummy

information being formatted as user data.

6. (Currently Amended) ~~Device~~ The device as claimed in claim

1, wherein the lead-out means ~~(36)~~ are arranged for recording dummy

information up to the predefined physical position, the dummy

information being formatted as user data, and the recording being

performed in a background mode in between recording of user data.

7.(Currently Amended) ~~Device~~ The device as claimed in claim

1, wherein the lead-out means ~~(36)~~ are arranged for said

determining if data written in the recording area extends up to a

predefined physical position by retrieving a last written address

parameter from the record carrier, which last written address

parameter indicates a last sector number of a contiguously recorded

part of the recording area starting from the start of the recording

area.

8.(Currently Amended) ~~Method~~ A method of recording

information on a record carrier of a writable type by writing marks

in a track on a recording layer via a beam of radiation,

[[-]] the recording layer comprising a pre-track pattern ~~(14)~~

indicating the position of the track,

the method comprising the acts of:

[[-]] recording the information in the track according to a

predefined recording format for constituting a recording area

containing user data preceded by a lead-in zone located at the

start of the recording layer and followed by a lead-out zone

located at the end of the user data, and

[[-]] finalizing the record carrier for playback on a reading

device that cannot detect the pre-track pattern, the finalizing

comprising determining if data written in the recording area

extends up to a predefined physical position, and, if not,

recording lead-out information, and, if the data extends at least

up to the predefined position, not recording any lead-out

information.

9. (Currently Amended) ~~Computer~~ A computer program product

stored on a recordable medium for recording information, which

program is operative to cause a processor to perform the ~~method as~~

~~claimed in claim 8~~ acts of:

recording the information in the track according to a

predefined recording format for constituting a recording area

containing user data preceded by a lead-in zone located at the

start of the recording layer and followed by a lead-out zone

located at the end of the user data; and

finalizing the record carrier for playback on a reading device that cannot detect the pre-track pattern, the finalizing comprising determining if data written in the recording area extends up to a predefined physical position, and, if not, recording lead-out information, and, if the data extends at least up to the predefined position, not recording any lead-out information.